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General Assembly

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Committee on Relations with the Host Country

Letter dated 5 November 1999 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Enclosed please find the text of a note verbale dated 5 November 1999 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations, responding to the latter's note verbale No. NV-713 of 24 October 1999 (A/AC.154/326, annex), specifically with regard to the travel restrictions imposed on personnel of certain permanent missions to the United Nations, including the Permanent Mission of Cuba (see annex).

I should be grateful if you would kindly circulate the present letter and the text of the note verbale as a document of the Committee on Relations with the Host Country.

(*Signed*) Robert C. **Moller**
Minister Counsellor for
Host Country Affairs

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Annex

Note verbale dated 5 November 1999 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and has the honour to respond to the concerns raised in the latter's note verbale No. NV-713 of 24 October 1999, specifically with regard to the travel restrictions imposed on personnel of certain permanent missions to the United Nations, including the Permanent Mission of Cuba.

In its note, the Permanent Mission of Cuba makes particular reference to General Assembly resolution 53/104 of 8 December 1998 and states that the host country continues to act in total disregard of the provisions of the relevant General Assembly resolutions on the subject of travel controls. In implementation of that resolution, the appropriate authorities of the host country continuously review the question of travel restrictions and controls and their application in the light of changing circumstances. The United States Mission therefore rejects this unfortunate and erroneous claim of the Permanent Mission of Cuba.

The United States Mission similarly disagrees with the assertion made in note verbale No. NV-713 that the application of travel controls and restrictions or the denial of travel requests by members of the Permanent Mission of Cuba are violations of the host country agreement between the United Nations and the United States of America. Article IV, section 11, of the Headquarters Agreement[a] requires that the host country not impose any impediments to transit to or from the Headquarters district. No such impediments have been imposed on members of the Permanent Mission of Cuba. Nor is the application of travel controls and restrictions a violation of the provisions of other applicable international legal instruments on diplomatic privileges and immunities to which the host country is a party.

Pursuant to United States legislation, certain travel restrictions are, for reasons of national security, applied to Secretariat and mission personnel from some Member States. Such restrictions are not inconsistent with United States obligations under the Headquarters Agreement. In no way is travel to official United Nations meetings affected.

In response to the specific instances of applications of travel restrictions cited in note verbale No. NV-713, the United States Mission notes that it did **not** deny the travel requested by the Cuban Mission in its note verbale No. 570 of 16 November 1998 for Second Secretary Raúl Montes García and Third Secretary Manlio Hernández Carbonell to travel to Washington, D.C., to participate in the meeting of the Planning Committee of the Pan American Health Organization. That travel request was approved because it was an official and officially sponsored event clearly related to the business of the United Nations or a related body within the United Nations system. Copies of the travel approval form and the document signed by a member of the Permanent Mission acknowledging receipt of the form were once again provided to the Permanent Mission on 27 October 1999.

The United States Mission did deny the travel requested in note verbale No. 228 of 4 March 1999 for Second Secretary Rodolfo Benítez Versón to participate in an academic seminar at Princeton, New Jersey. The seminar in question was sponsored by the Mountbatten Centre for International Studies of the University of Southampton in the United Kingdom of Great Britain and Northern Ireland. It was not an official United Nations function.

The United States Mission also denied the travel requested in note verbale No. 281 of 7 April 1999 for Second Secretary Mirtha Hormilla Castro (and her mother and daughter) to participate in the meeting of the Group of 24 at Washington, D.C., which took place before the spring 1999 meetings of the World Bank and the International Monetary Fund. The Group of 24 is not an organ of the International Monetary Fund and Cuba is not a member of the Group of 24. The event was not an official United Nations-related meeting and for that reason the travel request was not approved.

The United States Mission also denied the travel requests contained in note verbale No. 324 of 29 April 1999 for Permanent Representative Ambassador Bruno Rodríguez Parrilla, his wife, Third Secretary Olga Theresa Pérez Berra, Second Secretary Rodolfo Benítez Versón and his wife, Rebecca Yamile Hernández Toledano, and Attachés Amuary Hernández Chávez and José Ignacio Guerra León to attend the baseball game between the Cuban National Team and the Baltimore Orioles at Baltimore, Maryland. This travel was not United Nations work-related. Contrary to the assertions contained in note verbale No. NV-713, the travel request in question gave no indication that the travellers intended to proceed to the Cuban Interests Section in Washington for consultations. An application dated 26 April 1999 requesting authorization for Third Secretaries Emilio Jímenez Taboas and Rogelio Curbelo Cortón to attend the same baseball game en route to a meeting of the Global Environment Facility in Washington, D.C., was also denied, although travel to the Facility's meeting in Washington was approved as it was an official event sponsored by the World Bank, the United Nations Development Programme and the United Nations Environment Programme.

Inasmuch as all requests for official United Nations-related travel have been approved, the United States Mission also disputes the contention of the Permanent Mission of Cuba that the travel restrictions and controls imposed impede its normal functioning.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Mission of Cuba to the United Nations the assurances of its highest consideration.

Notes

[a] *United Nations*, Treaty Series, vol. II, p. 11.

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Committee on Relations with the Host Country

Letter dated 3 November 1999 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

As you know, the Libyan Arab Jamahiriya was always a keen participant, in its capacity as an observer, in the meetings of the Committee on Relations with the Host Country in the light of the Committee's importance as a body for the adoption, in a fair and non-discriminatory manner, of measures aimed at maintaining appropriate conditions for the conduct of the work of missions and delegations to the United Nations.

Given our interest in the Committee's meetings, we proposed our candidacy for membership when the General Assembly decided to expand the Committee by adding four new members. It was agreed that we should occupy the seat in the Committee designated for the African Group with effect from 1999. This has encouraged us to take an even greater interest in the Committee's meetings, being one of those delegations that are the object of discriminatory practices on the part of the Government of the host country that have impeded their work and prevented them from performing their duties in a normal manner. We should like to receive formal notification from the United Nations Secretariat of any meeting of the Committee, whether regular or special, in ample time for us to prepare for it and be able to participate in a systematic and effective manner, rather than be informed only by way of the *Journal* of the United Nations like all other delegations. We were thus surprised to learn from the *Journal* that there had been a formal meeting of the Committee on Relations with the Host Country on Wednesday, 27 October 1999. We only became aware of it when it was too late, so that we were forced to miss it. We therefore hope that the Committee secretariat will in future inform the members of the Committee in ample time of its meetings.

On another matter, I have the honour to inform you that despite the many resolutions adopted by the General Assembly calling for the lifting of the travel restrictions imposed by the host country on officials of certain missions and on officials of the United Nations Secretariat who are of certain nationalities, the host country continues to accord discriminatory treatment to some diplomatic missions to the United Nations in New York, including the Libyan Mission. Such treatment is exemplified in the imposition of travel restrictions on Mission personnel, in confining their movement to the City of New York itself and in obstructionism in the granting of entry visas to Mission personnel and the members of Libyan delegations to United Nations meetings. Visas are given only after a delay of more than three weeks and are valid for only one journey. When the Permanent

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Representative and members of the Mission are obliged to leave their assigned duty station to attend special meetings outside the United States, they are thus required to wait for long periods of time for approval of the host country in order to attend such meetings or to obtain the necessary entry visas. We have on many occasions suddenly been confronted with the refusal of the host country authorities to approve our attendance at such meetings, and this impedes the work of the Libyan Mission in New York and has prevented it from carrying out its tasks in a normal manner. This is to be regarded as a violation of the Headquarters Agreement and as disregard for the provisions of the relevant General Assembly resolutions. By way of example, the Libyan Mission in New York was unable to take part in the meeting held on 28 December 1998 by the Organization of African Unity at the residence of the Permanent Representative of Nigeria, which is outside New York City. It was also unable to participate in a one-day seminar at American University in Washington, D.C., on 6 April 1999, where the Permanent Representative had been invited to give a lecture on the problem of landmines. The United States authorities refused to allow the invitation to be accepted.

I should be grateful if you would have this letter circulated as a document of the Committee on Relations with the Host Country.

(*Signed*) Abuzed Omar **Dorda**
Permanent Representative